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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MARY BENSON, an individual,  
Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT, in its official capacity; and,  
BRET EMPEY, in his official capacity as  
Sergeant of the Las Vegas Metropolitan  
Police Department;  
Defendants.

Case. No.: 2:19-cv-01949-RFB-VCF

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY  
DEADLINES**

**(ELEVENTH REQUEST)**

Pursuant to Fed. R. Civ. P. 16(b)(4) and Local Rule 26-4, Plaintiff MARY BENSON and Defendants LAS VEGAS METROPOLITAN POLICE DEPARTMENT and BRET EMPEY ("LVMPD Defendants"), by their respective counsel, hereby submit this Stipulation and Order to Extend Discovery Deadlines (Eleventh Request) to request the Court to continue the pretrial and trial dates by one-hundred and twenty (120) days.

The Parties submitted a Stipulation and Order to Extend Discovery Deadlines (Tenth Request) on March 11, 2022 (ECF No. 49). The Court responded to the March 11, 2022, Stipulation by issuing an Order (ECF No. 50). The Order denied and mooted the March 11, 2022, Stipulation with instruction to the Parties to refile a Stipulation should there be no resolution reached. The Early Neutral Evaluation Conference was held on July 28, 2022,<sup>1</sup> and the Parties participated in good faith. However, the Parties did not reach a settlement (ECF No. 53). This stipulation and

<sup>1</sup> The conference was conducted jointly with a related case, 2:21-cv-01928-RFB-BNW (*See ECF No. 50*).

proposed order follows:

**I. DISCOVERY CUT-OFF DEADLINES**

A. The discovery cut-off date shall be rescheduled to **December 12, 2022;**

B. The deadline for the disclosure of rebuttal experts and their reports shall be rescheduled to **December 12, 2022;**

C. The deadline to file dispositive motions shall be rescheduled to **December 12, 2022;** and

D. The deadline to file the Joint Pretrial Order shall be rescheduled to January 12, 2023 ~~December 12, 2022~~. If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until thirty (30) days after decision on the dispositive motions or further court order.

**II. REASON FOR THE REQUESTED EXTENSION**

Pursuant to Local Rule 26-4, the Parties submit that good cause exists for the extension requested. The Parties have been diligently conducting discovery. Since January 2020, the Parties have propounded and responded to requests for written discovery; have produced documents relating to liability issues; and have been working to coordinate depositions.

The Parties acknowledge that, pursuant to Local Rule 26-4, a stipulation to extend a deadline set forth in a discovery plan must be submitted to the Court no later than 21 days before the expiration of the subject deadline, and that a request made within 21 days must be supported by a showing of good cause. As noted above, the Parties participated in recent efforts to resolve this matter. Pending that conference, the Parties wished to stay discovery and dedicate resources to resolution.

Good cause and extraordinary circumstances thus exist to excuse this untimely request. This extension is necessary to allow the Parties sufficient time to finish some limited remaining discovery and conduct depositions.

The Parties hereby agree that, absent extraordinary circumstances, they will seek

no further extensions of discovery in this matter.

### **III. STATUS OF DISCOVERY EFFORTS TO DATE**

The following discovery has been completed to date:

1. LVMPD Defendants provided their Fed. R. Civ. P. 26.1 Production of Documents and Witness List on January 6, 2020;

2. Plaintiff Mary Benson provided her Fed. R. Civ. P. 26.1 Production of Documents and Witness List on January 7, 2020;

3. LVMPD Defendants propounded their First Set of Requests for Production of Documents to Plaintiff Mary Benson on January 17, 2020;

4. Plaintiff Mary Benson responded to LVMPD Defendants' First Set of Requests for Production of Documents on March 10, 2020;

5. Plaintiff provided her First Supplement to her Fed. R. Civ. P. 26.1 Production of Documents and Witness List on March 10, 2020;

6. Plaintiff Mary Benson propounded her First Set of Requests for Production of Documents to Defendant Sgt. Bret Empey on March 13, 2020;

7. Plaintiff Mary Benson propounded her First Set of Requests for Production of Documents to Defendant Las Vegas Metropolitan Police Department on March 13, 2020.

8. LVMPD Defendants provided their First Supplement to their Fed. R. Civ. P. 26.1 Production of Documents and Witness List on May 11, 2020;

9. Defendant Sgt. Bret Empey responded to Plaintiff Mary Benson's First Set of Requests for Production of Documents on May 11, 2020;

10. Defendant Las Vegas Metropolitan Police Department responded to Plaintiff Mary Benson's First Set of Requests for Production of Documents on May 11, 2020;

11. Plaintiff provided her Second Supplement to her Fed. R. Civ. P. 26.1 Production of Documents and Witness List on February 23, 2021;

12. Plaintiff provided her Third Supplement to her Fed. R. Civ. P. 26.1 Production of Documents and Witness List on September 29, 2021;

13. Plaintiff provided her Initial Expert Disclosures on September 29, 2021;

1           14.     Plaintiff provided her Second Set of Requests for Production to Defendants  
2 on December 22, 2021;

3           15.     Defendants' responded to Plaintiff Mary Benson's Second Set of Requests  
4 for Production of Documents on February 21, 2022;

5           16.     Defendant Sgt. Bret Empey responded to Plaintiff Mary Benson's Second  
6 Set of Requests for Production of Documents on February 22, 2022;

7           17.     Defendant LVMPD responded to Plaintiff Mary Benson's First Set of  
8 Requests for Production of Documents on February 22, 2022, and provided a supplemental  
9 response the same day; and

10          18.     The Parties are working together to schedule depositions.

11           **IV.     DISCOVERY REMAINING**

12           The Parties agree that the following discovery must be completed:

- 13           1.     The deposition of Plaintiff;
- 14           2.     The depositions of Defendants;
- 15           3.     The depositions of witnesses;
- 16           4.     The deposition(s) of the Defendants' Person(s) Most Knowledgeable; and
- 17           5.     Additional written discovery and/or resolution of discovery disputes.

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**V. CONCLUSION**

Based on the above, requisite good cause exists to warrant an extension of the discovery deadlines. Accordingly, the Parties respectfully request that this Court extend the current deadlines by one-hundred and twenty (120) days in order to allow them to adequately complete discovery.

IT IS SO STIPULATED.

DATED this the 16th day of August, 2022.

**MARQUIS AURBACH COFFING**

/s/ Nick D. Crosby

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DATED this the 16th day of August, 2022.

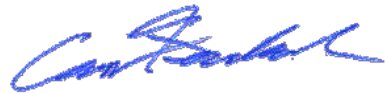
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/s/ Margaret A. McLetchie

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**ORDER**

IT IS SO ORDERED.



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U.S. MAGISTRATE JUDGE

8-16-2022

DATED: \_\_\_\_\_